

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
NEPHTY CRUZ and MICHAEL BALLETO, as  
TRUSTEES OF THE DISTRICT 6 INTERNATIONAL  
UNION OF INDUSTRIAL, SERVICE, TRANSPORT  
AND HEALTH EMPLOYEES HEALTH AND  
PENSION PLANS, TRUSTEES OF THE DISTRICT 6  
INTERNATIONAL UNION OF INDUSTRIAL,  
SERVICE, TRANSPORT AND HEALTH EMPLOYEES  
PENSION PLAN,

Index No.: 6391/07 (GBD)

**DEFENDANTS'**  
**RULE 7.1 STATEMENT**

Plaintiffs,

- against -

PINNACLE MANAGING CO., LLC; REALTY CORP.,  
LLC, a/k/a 3647 REALTY CO., LLC a/k/a 3657  
REALTY CO., LLC; and WIENER REALTY, LLC,

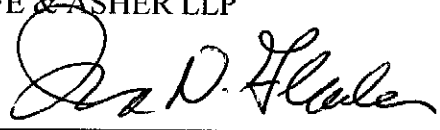
Defendants.  
-----X

M A D A M S / S I R S :

Pursuant to Fed. R. Civ. P. 7.1(a), and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for defendants Pinnacle Managing Co., LLC, Realty Corp., LLC, 3647 Realty Co., LLC; and Wiener Realty, LLC (all private non-governmental parties) certifies that no defendant is publicly held and that no defendant has any corporate parents, affiliates or subsidiaries that are publicly held.

Dated: New York, New York  
October 15, 2007

JAFFE & ASHER LLP

By:   
Ira N. Glauber (ING-8383)  
600 Third Avenue, Ninth Floor  
New York, New York 10016  
(212) 687-3000  
Attorneys for Defendants  
Pinnacle Managing Co., LLC,  
Realty Corp., LLC a/k/a  
3647 Realty Co., LLC a/k/a  
3657 Realty Co., LLC, and  
Wiener Realty, LLC